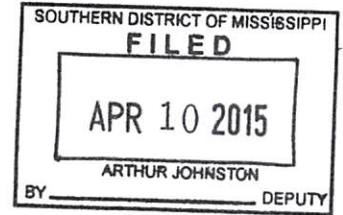


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION



ASHLEY NICOLE HAYES, ADMINISTRATOR
OF THE ESTATE OF WILLIAM HENRY
HUTCHISON AND ON BEHALF OF THE
HEIRS AT LAW OF THE ESTATE OF
WILLIAM HENRY HUTCHISON

PLAINTIFF

VS.

CIVIL ACTION NO.: 1:15cv120 HSO-JCG

STONE COUNTY, MISSISSIPPI, WARDEN
FRANKLIN BREWER, IN HIS INDIVIDUAL
AND OFFICIAL CAPACITIES, STONE
COUNTY CORRECTIONAL FACILITY,
SHERIFF MIKE FARMER, IN HIS
INDIVIDUAL AND OFFICIAL CAPACITIES;
AND STONE COUNTY BOARD OF
SUPERVISORS

DEFENDANTS

NOTICE OF REMOVAL

TO: Michael W. Crosby, Esq.
2111 25th Avenue
Gulfport MS 39501

Attorney for Plaintiff

Defendants, Stone County, Mississippi, Warden Franklin Brewer, in his individual and official capacities, Stone County Correctional Facility, Sheriff Mike Farmer, in his individual and official capacities, and Stone County Board of Supervisors, (collectively referred to as "Defendants"), in the lawsuit entitled *Ashley Nicole Hayes, Administrator of the Estate of William Henry Hutchison and on Behalf of the Heirs at Law of the Estate of William Henry Hutchison v. Stone County, Mississippi, Warden Franklin Brewer, in his individual and official capacities, Stone County Correctional Facility, Sheriff Mike Farmer, in his individual and official capacities, and Stone County Board of Supervisors*, Civil Action No. 2015-61, on the docket of the Circuit Court of Stone County, Mississippi, have on April 9, 2015 filed in the

United States District Court for the Southern District of Mississippi, Southern Division, her notice to effect the removal of said civil action to the United States District Court for the Southern District of Mississippi, Southern Division.

A copy of this Notice is being served upon you as counsel of record for Plaintiff, Ashley Nicole Hayes, and a copy of the same is being filed with the clerk of the aforesaid state court in conformity with 28 U.S.C. § 1446(d), as amended. Defendants represent that the grounds for removal are as follows:

1. On March 12, 2015, a Complaint styled *Ashley Nicole Hayes, Administrator of the Estate of William Henry Hutchison and on Behalf of the Heirs at Law of the Estate of William Henry Hutchison v. Stone County, Mississippi, Warden Franklin Brewer, in his individual and official capacities, Stone County Correctional Facility, Sheriff Mike Farmer, in his individual and official capacities, and Stone County Board of Supervisors* was filed and is now pending in the Circuit Court of Stone County, Mississippi, Civil Action No. 2015-61, which is within the Southern District of Mississippi, Southern Division.

2. Service of process was purportedly made upon Defendants, Stone County, Mississippi, Warden Franklin Brewer, in his individual and official capacities, Stone County Correctional Facility, Sheriff Mike Farmer, in his individual and official capacities, and Stone County Board of Supervisors, on or about March 17, 2015. Thirty (30) days have not expired since service of process was purportedly effected on Defendants; therefore, this Notice of Removal is timely.

3. Civil actions over which district courts have original jurisdiction are removable. 28 U.S.C. § 1441(a). Federal district courts have “original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” As noted above, Plaintiff’s

Complaint is brought pursuant to Federal Civil Rights statute 42 U.S.C. § 1983 which is a federal claim for which federal Courts have original jurisdiction. (*Plaintiff's Complaint*: ¶'s 17, 18, 19, and 20). Accordingly, this action may be removed to this Court pursuant to the provisions of 28 U.S.C. Section 1441c(1)(A) and (B).

4. Defendants hereby remove this action from the Circuit Court of Stone County, Mississippi, Civil Action No. 2015-61, to the United States District Court for the Southern District of Mississippi, Southern Division. This entire action may be removed to the United States District Court for the Southern District of Mississippi, Southern Division, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446(b).

5. A copy of all process and pleadings served upon Defendants, as required by 28 U.S.C. § 1446(a), is attached hereto as *Exhibit "A"* and a copy of the Stone County Circuit Court record for Civil Action No. 2015-61 is attached hereto as *Exhibit "B."*

6. Promptly after filing this Notice of Removal, written notice thereof will be given to all adverse parties and a copy of the Notice of Filing Notice of Removal attached as *Exhibit "C"* will be filed with the Clerk of the aforesaid state court to effect removal of such action to the United States District Court for the Southern District of Mississippi, Southern Division. Defendants hereby respectfully request that this Court assume full jurisdiction of the case herein as provided by law.

WHEREFORE PREMISES CONSIDERED, Defendants, Stone County, Mississippi, Warden Franklin Brewer, in his individual and official capacities, Stone County Correctional Facility, Sheriff Mike Farmer, in his individual and official capacities, and Stone County Board of Supervisors, hereby remove this action bearing Civil Action No. 2015-61 from the Circuit

Court of Stone County, Mississippi, to the United States District Court for the Southern District of Mississippi, Southern Division.

THIS, the 9th day of April, 2015.

Respectfully submitted,

PHELPS DUNBAR, LLP

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**ATTORNEYS FOR DEFENDANTS, STONE
COUNTY, MISSISSIPPI, WARDEN
FRANKLIN BREWER, STONE COUNTY
CORRECTIONAL FACILITY, SHERIFF
MIKE FARMER, AND STONE COUNTY
BOARD OF SUPERVISORS.**

CERTIFICATE OF SERVICE

I, JASON T. MARSH, do hereby certify that I have this date mailed through the United States Postal Service, postage prepaid, a true and correct copy of the above and foregoing *NOTICE OF REMOVAL* to the following counsel of record:

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michaelwcrosby@bellsouth.net

ATTORNEY FOR PLAINTIFF

Honorable Lisa P. Dodson
Stone County Circuit Court Judge
P.O. Box 1461
Gulfport MS 39502

STONE COUNTY CIRCUIT COURT JUDGE

SO CERTIFIED, this the 9th day of April, 2015.



JASON T. MARSH.